

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 320

CASE NO. 76-17

July 10, 1980

On August 11, 1977, the Zoning Commission adopted Order No. 167, which rezoned the property located at the western corner of the intersection of Arizona Avenue and MacArthur Blvd., N.W. from R-1-B to R-3. Several of the citizens who appeared as parties in opposition to the rezoning filed a petition for review of the decision with the District of Columbia Court of Appeals. By decision dated February 8, 1980, the Court remanded the case to the Zoning Commission for the sole purpose of making findings on the issue of parking. In all other respects, the Court affirmed the Commission's original action.

At the public meeting held on March 13, 1980, Theodore F. Mariani, Chairman of the Zoning Commission, ruled to invite the parties to the case to submit proposed findings of fact, based on the evidence already in the record, which bear on the issue of parking. By memorandum from the Executive Director, the parties were requested to submit such proposed findings by April 24, 1980 and to serve those findings on the other parties to the case. Proposed findings of fact were received only from the applicant. There were no responses from any of the other parties, including Advisory Neighborhood Commission 3D.

Upon consideration of the record the Commission hereby orders that Order No. 167 is amended to include the following additional findings of fact:

24. With respect to on-street parking conditions, the Commission findings that the proposed rezoning from R-1-B to R-3 for Lots 806 and 307 in Square 1441 will not tend to create congestion in the streets and will not significantly effect parking conditions in the area. Under R-1-B zoning, Lots 806 and 307 can be developed with eleven detached, single family dwellings, while the applicants propose to develop the property with twenty-five row dwellings. Both the R-1-B and the R-3 zones require a minimum of one off-street parking space per dwelling unit. The increase of fourteen dwellings will result in little or no increase in parking on neighborhood streets.

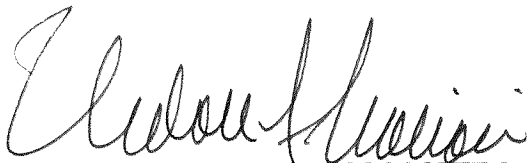
25. The applicants' site plan submitted in the record shows that there is sufficient space on the subject property to provide two parking spaces for each dwelling. The applicants testified that, to maximize green space on the site, the initial plans indicate paving of a sufficient area to provide one on-site parking space for each dwelling. Marketing of the housing will begin during the construction process and an additional space will be paved for buyers who desire two parking spaces. While this case is not a planned unit development where this Commission can require adherence to a specific site plan, the combination of curb cut control by the D.C. Department of Transportation, the heavy traffic on abutting streets, and the size and configuration of the site, make it likely that more than one space per dwelling will be provided.
26. The surrounding area is developed with single family detached dwellings. Yet, the automobile ownership rate for row dwellings, such as those proposed, is typically less than the rate for single family detached dwellings. Consequently, since the parking requirements are the same, less on-street parking impact per unit is likely to result. The residents of the proposed project will also be able to rely upon public transport, rather than private car ownership, since three bus lines provide public transportation convenient to the subject site. Thus, rezoning to R-3, with the accompanying modest increase in density, is likely to promote the use of public transportation and decrease reliance on the private automobile.
27. The applicants' site plan for 25 row dwellings also shows that no new curb cuts are proposed. The D.C. Department of transportation recommended development without curb cuts on MacArthur Boulevard or Arizona Avenue and testified that row dwellings typically do not involve curb cuts. This Department has control over the issuance of curb cuts. The applicants' traffic consultant testified that development of single family detached dwellings typically results in one curb cut for each dwelling. Since each curb cut could displace one on-street parking space, development of the subject site with single family detached dwellings could reduce available on-street parking spaces more than rowhouse development.
28. The opposition offered no evidence to demonstrate that a parking problem in the area exists as a result of overly dense development. There was conflicting evidence as to the existence of a problem with commuter parking in the area. While the ANC introduced a photograph purporting to show commuter parking on Sherrier Place, the applicant submitted a series of photographs of the surrounding streets, including Sherrier Place and MacArthur Boulevard,

which show ample available on-street parking. If there is a problem resulting from commuter parking, it can be remedied with appropriate residential parking restrictions by the Department of Transportation.


The Commission further hereby orders that Order No. 167 is amended to include the following conclusion of law:

5. Based upon Findings Nos. 24 through 28 above, the rezoning from R-1-B to R-3 for Lots 806 and 807 in Square 1441 is in harmony with the purposes of the Zoning Act of the District of Columbia to lessen congestion in the streets and to create conditions favorable to transportation, and will not adversely effect parking conditions in the area.

In all other respects, Order No. 167 shall remain unaltered.



THEODORE F. MARIANI
Chairman



STEVEN E. SHER
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on July 10, 1980 by a vote of 4-0 (Walter B. Lewis, John G. Parsons and Theodore F. Mariani to adopt, Ruby B. McZier to adopt by absentee vote, George M. White not present, not voting).

This order was filed in the record and serve upon the parties on 25 JUL 1980.